

REMARKS

This Application has been carefully reviewed in light of the Office Action. Claims 1-10 and 20-29 are pending and stand rejected. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 10 and 29 are objected to under 37 C.F.R. 1.75 as being substantial duplicates of Claims 9 and 28, respectively. Applicants respectfully traverse this objection for at least the following reasons.

Applicants respectfully submit that Claim 10 is not a substantial duplicate of Claim 9. Claim 9 states, "the second electrode is a cathode," whereas Claim 10 states, "the second electrode is an anode." An anode and cathode are not substantial equivalents. Accordingly, Claim 10 is not a substantial equivalent of Claim 9. For at least similar reasons, Claim 29 is not a substantial equivalent of Claim 28. Thus, Applicants respectfully request removal of the objections to Claims 10 and 29.

Sections 102 and 103 Rejections

The Examiner rejects Claims 1, 2, 6, 20, 21, and 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,509,195 to De Rooij et al ("*De Rooij*"). The Examiner rejects under 35 U.S.C. § 103(a): Claims 7, 9, 10, 26, 28, and 29 as being unpatentable over *De Rooij* and U.S. Patent No. 4,963,245 to Weetall ("*Weetall*"); Claims 3, 5, 22, and 24 as being unpatentable over *De Rooij* and U.S. Patent No. 6,529,275 to Amirkhanian et al. ("*Amirkhanian*"); Claims 4 and 23 as being unpatentable over *De Rooij*, *Amirkhanian*, and U.S. Patent No. 5,370,842 to Miyazaki et al. ("*Miyazaki*"); and Claims 8 and 27 as being unpatentable over *De Rooij*, *Weetall*, and *Amirkhanian*. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that *De Rooij* fails to disclose, teach, or suggest "a first compartment comprising a first electrode," "a second compartment comprising a third electrode" and "electronically coupling the first and third electrodes," of Claim 1.

De Rooij discloses a detector that has two cells, an active cell and a reference cell:

As these Figures show, the electrochemoluminescent detector 10 according to the present invention essentially includes two identical measuring cells 11 and 12,

Each cell includes two working electrodes, an anode 16 and a cathode 17 which are separated by a distance of less than 10 microns, electric power supply means 13 for the electrodes of cell 11 only, a photoelectric detector 14 for detecting the light generated by electrochemoluminescence and means 15 for measuring the output signal of detector 14.

Cell 11 is the so called active cell, while cell 12 is the reference cell intended for measuring the background noise, which is why it is not supplied with electric power.

(*De Rooij*, col. 2, lines 37-50.)

The *electrodes* of the cells of *De Rooij* are not electronically coupled:

Measuring means 15 essentially include two conductive paths 23 made on the support of the two cells and connect the two photodiodes 14 to two amplifiers 24. ...

According to an advantageous embodiment, the electric connections 22 between electrodes 16 and 17 of active cell 11 and power source 21, and the electric connections 23 between the two photodiodes 14 and amplifiers 24 are achieved via connection zones 26 made at one end of the cells.

(*De Rooij*, col. 3, line 57 – col. 4, line 4.) That is, while connections 22 connect electrodes 16 and 17 of one cell 11, connections 23 merely connect outputs, *not electrodes*, of cells 11 and 12 to measuring means 15. Accordingly, *De Rooij* fails to disclose, teach, or suggest “a first compartment comprising a first electrode,” “a second compartment comprising a third electrode” and “electronically coupling the first and third electrodes,” of Claim 1.

Accordingly, independent Claim 1 and its dependents are patentable over *De Rooij* under 35 U.S.C. §§ 102 and 103. For at least analogous reasons, independent Claim 20 and its dependents are patentable over *De Rooij* under 35 U.S.C. §§ 102 and 103. Applicants respectfully request reconsideration and allowance of Claims 1-10 and 20-29.

CONCLUSION

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Keiko Ichiye, Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge \$1,020.00 as payment for the request for extension of time, any other fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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